

REMARKS/ARGUMENTS

Claims 1-13 are presently active in this case. Claims 1, 2, and 5-13 have been amended by way of the present amendment.

In the outstanding Office Action, Claims 1-4, 7-9, and 13 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,822,701 to Tomisato. Claims 5, 6, and 10-12 were objected to as being dependent on a rejected base claim, but were indicated as being allowable if rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter. However, because Applicants believe themselves entitled to the scope of protection defined by Claims 1 and 8, Claims 5, 6, and 10-12 have been presently maintained in dependent form.

The present invention provides at least one mobile station configured to receive from a base station a signal destined for a target mobile station. The at least one mobile station sends the received signal to the target mobile station via one or a plurality of wireless networks that include the mobile station and the one or a plurality of mobile stations, and that do not include the base station. The one or a plurality of mobile stations can receive a signal from the base station. The target mobile station also receives the same signal from the base station. The target mobile station synthesizes the signals received from the base station and the at least one mobile station. See Figure 2 of the Specification. As a consequence of this configuration, the target mobile station can effectively obtain a diversity effect regardless of the physical size of the target mobile station and regardless of the location of the base station.

Regarding Claim 1, the official action equates the mobile station (5) in Tomisato with the mobile station of the present invention, and equates the base station (103a-c) with the base station of the present invention. Further, the official action asserts that it is an inherent feature of a mobile communication system to be comprised of a plurality of mobile stations. However, the official action does not identify any feature in Tomisato that corresponds to the

claim 1 feature “said one or a plurality of mobile stations sending a signal destined for said mobile station received from said base station to said mobile station via a wireless network.”

Because Tomisato does not teach or suggest communication between mobile stations or between base stations, Tomisato does not teach or suggest the amended claim 1 feature “said one or a plurality of mobile stations sending a signal destined for said mobile station received from said base station to said mobile station via one or a plurality of wireless networks that include said mobile station and said one or a plurality of mobile stations and that do not include said base station.” Further, Applicants submit that it is not an inherent feature of a mobile communication system that mobile stations communicate with each other without a base station.

Because Tomisato does not teach or suggest at least the above-identified feature, Tomisato clearly does not teach or suggest the feature that the (target) mobile station receives the signal from the one or a plurality of mobile stations via the one or a plurality of wireless networks in addition to receiving the signal from the base station so that the signals are synthesized.

Regarding Claim 8, Applicants respectfully submit that Tomisato does not suggest, among other things, the network forming control means which forms the one or a plurality of wireless networks that include mobile stations, but do not include the base station.

In light of the above discussion, it is respectfully submitted that Claims 1 and 8 are patentably distinguishable from the applied patent, and the dependent Claims 2-7 and 9-13 are therefore also patentably distinguishable from the applied patent.

Consequently, in view of the above remarks, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance an early and favorable action is therefore respectfully requested.

Application No. 09/748,243
Reply to Office Action of March 30, 2004

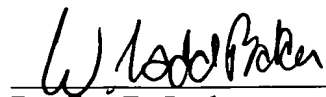
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

W. Todd Baker
Registration No. 45,265

I:\ATTY\WTB\201216USVAMEMDMNT 30 APR 04.DOC